

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Special Session

December 15, 2003
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Lee, and Noble

ABSENT: Councilmember Mosher

1. Oral Communications

Mayor Marshall called the meeting to order at 6:02 p.m. and noted that tonight's meeting is a Special Session.

- (a) Andrea Long, Ali Goodman, Mary Kate Williams, and Megan Gott invited Councilmembers and the public to attend a performance of "It's a Wonderful Life" at Meydenbauer Center.
- (b) Steve Szablya encouraged the City to actively manage its electric power franchise for reliability. He noted the December 11 memo from staff to City Manager Steve Sarkozy addressing Puget Sound Energy's power outages, which states that the City pays 40 percent of PSE's cost for converting facilities to underground. The remainder is paid by utility ratepayers, who are the same as taxpayers. Mr. Szablya encouraged alternatives to undergrounding to improve reliability such as tree trimming. He praised David Kerr's progressive work in negotiating the recent franchise agreement with PSE, which includes a focus on reliability.
- (c) Victor Amira, President of Ashley House Condominium Association, explained that Ashley House is located adjacent to PSE's Lochleven Substation and its residents are primarily senior citizens. He expressed concern that the planned expansion of the substation will adversely affect condo owners' property values and the ability to sell their homes. Mr. Amira said the Lochleven property is zoned as multifamily residential with a building height limit of 20 feet. He questioned how an industrial use can exist on the site as well as the proposal to expand to 35-foot high towers.

- (d) Ron Smith, representing Killarney Neighborhood Association, read and submitted written comments to Council regarding T-Mobile's permit application for a 62.5-foot cell antenna/tower. He noted the residents' previous request to extend the deadline for public comment. He said staff did not inform any residents that this item was on tonight's agenda. Mr. Smith expressed concern that the search ring represents two residential blocks. He asserted that the address given for the cell tower is incorrect and deliberately misleading. He noted that the maps provided in T-Mobile's permit application are signed by a radio frequency (RF) engineer and not by a professional engineer. Mr. Smith said T-Mobile is not meeting the intent of the Comprehensive Plan, SEPA (State Environmental Policy Act), or the Land Use Code.
- (e) Dale Sherrow submitted written comments and expressed opposition to T-Mobile's permit application to erect a 62.5-foot cell tower at the entrance to Killarney Circle for the following reasons: 1) visual pollution in violation of SEPA, 2) lack of appearance of fairness regarding the City's denial to extend the public comment period, and 3) the need for the City to hire an independent radio frequency engineer for an objective opinion. He suggested the southwest corner of a park at SE 25th Street and 108th Avenue SE as a more suitable location for the facility.

2. Council New Initiatives

Councilmember Lee attended the National League of Cities conference. He announced that Bellevue received a James C. Howland Gold Award for Urban Enrichment at the conference for its Neighborhood Investment Strategy project in West Lake Hills. Mr. Lee congratulated Bellevue High School for winning the state football championship for the third time and asked staff to prepare a commendation in recognition of this accomplishment. He thanked the Newport High School jazz band for playing at 50Fest events this year.

Mayor Marshall thanked Chef John Howie, owner of Seastar Restaurant and Raw Bar, for providing food to Puget Sound Energy workers during the recent windstorm and power outages.

3. Report of the City Manager

- (a) Update on response to citizen comments regarding power reliability

City Manager Steve Sarkozy noted the management brief in the meeting packet regarding the maintenance of power in the community, undergrounding of utilities, and vegetation restrictions along power lines. The memo explains the performance and reliability memorandum of understanding (MOU) associated with the renewed Puget Sound Energy electrical franchise agreement. The MOU requires PSE to report all non-scheduled power outages within the city and to identify each circuit, cause, and/or specific equipment that failed, the duration of the outage, and the number of customers affected. PSE is also required to report the average frequency and average duration of all outages in the city for the most recent five years on an ongoing basis. City staff will work with PSE to encourage maintenance and replacement of affected circuits.

Dr. Davidson suggested referring the reliability issue to the Environmental Services Commission for its review and analysis. Mayor Marshall noted the management brief did not address relevant land use policies regarding street trees.

Mr. Sarkozy confirmed that additional information will be provided to the Environmental Services Commission and Council.

- (b) Update on issues raised by Killarney Circle residents regarding T-Mobile's wireless antenna permit application

Mr. Sarkozy asked staff to provide an update in response to residents' concerns regarding T-Mobile's wireless antenna permit application.

Carol Helland, Land Use Director, said staff is researching the issues raised and working to prepare detailed responses to citizens' concerns. Staff is working to encourage communication between residents and T-Mobile about an appropriate location and the antenna size and height. Ms. Helland said the public comment period remains open until a decision or recommendation is made, which is longer than the state minimum requirement of 14 days.

Deputy Mayor Degginger is pleased that staff is responding to residents' concerns. However, he noted the lack of staff response earlier this year in reference to the placement of an antenna in the Lakemont area. Mayor Marshall encouraged staff to develop a consistent method for responding in this type of situation.

Responding to Mr. Noble, Ms. Helland said a letter to residents will notify them of the estimated date for a decision, which will not occur before the first Thursday in February. She clarified that staff will review the matter and a decision will ultimately be made by Matt Terry, Director of Planning and Community Development. Staff's review utilizes decision criteria provided for the administrative conditional use process.

Responding to Mayor Marshall, Ms. Helland confirmed that public comments will be accepted until a decision is made, which is now estimated as the first Thursday in February. However, residents are encouraged to submit comments as soon as possible to allow time for staff to address the issues.

- (c) Update on citizen concerns regarding flooding of the Schwalbach property

Mr. Sarkozy noted the memo in the Council packet regarding Mr. Schwalbach's testimony during the December 8 City Council Regular Session. Utilities staff members have met with Mr. Schwalbach and will meet again with him and his neighbors to address the flooding problem.

4. Action Items

- (a) Resolution No. 6938 authorizing execution of a contract with McKinstry, Inc. for maintenance and operations services at the New City Building. (*Discussed with Council on December 8, 2003.*)

Mr. Sarkozy opened discussion of the proposed contract with McKinstry, Inc. for maintenance and operations services at the New City Building.

Steve Sackenreuter, Facilities Manager, provided background information about the City's facilities management function. The Facilities Division manages six major facilities and assists with special projects at fire stations, the 911 Communications Center, and park facilities. Mr. Sackenreuter said staff members are primarily generalists. However, the City has two technical experts in the electrical and HVAC services areas.

Mr. Sackenreuter explained the need to maintain the New City Building until it is occupied by early 2006. He noted a Council question regarding the involvement of Facilities staff in selecting an M&O contractor. Mr. Sackenreuter said City staff members worked with a local facilities company to develop the finance plan for the building. City staff had limited access to the building until September 2003.

Mr. Sackenreuter reviewed the renovation schedule for the New City Building. The building will be unoccupied from January to August 2004. Demolition and construction will occur between August 2004 and September 2005. The building redevelopment project is scheduled for completion by December 2005.

Mr. Sackenreuter referred to page 4-4 of the Council packet for a summary of the vendor selection process. The process was open and competitive, and 14 vendors picked up the request for proposals (RFP) materials. Twelve vendors participated in building tours and two companies ultimately submitted proposals. Mr. Sackenreuter explained the need to maintain the building while vacant in order to ensure the continued operation of existing systems including fire alarm and building controls, HVAC equipment, generators, and elevators. A major concern as well for vacant buildings is mold and "sick building syndrome" which is difficult to manage and can result in high cleanup costs.

In response to a previous Council question regarding the need to contract for these services, Mr. Sackenreuter described the need for specialized experience in shutting down and starting up building systems as needed. Many systems (elevators, fire suppression, fire alarms, and generators) require specialized skills and certification not held by City staff. Mr. Sackenreuter explained that much of the equipment in the New City Building is vastly different from equipment in current City facilities and/or of a greater size and scale.

Mr. Sackenreuter reviewed the following two questions for Council direction: 1) How should maintenance of the New City Building be performed? and 2) What level of maintenance should be performed? Staff recommends a single vendor contract with McKinstry, Inc. plus City staff assistance in some areas. The alternative to utilize multiple vendors would result in multiple contracts and higher costs and risks. Mr. Sackenreuter reviewed the components and costs of the proposed contract, which totals \$386,000 over eight months. He noted that M&O costs averaged \$300,000 monthly while the building was occupied by Qwest.

Responding to Deputy Mayor Degginger, Mr. Sackenreuter said portions of the building will be demolished and rebuilt but major systems will be maintained. He clarified that the generators are

staying in the building. In further response, Mr. Sackenreuter explained that building systems will be protected during construction through the use of environmental controls including negative pressure. Some systems will continue to operate during construction.

Responding to Mr. Degginger, Facilities Planning and Development Manager Frank Pinney said the Facilities Division has charged less than \$5,000 to the New City Building's budget. Staff has refocused some of its efforts to the New City Building project without charging for all of the staff time. Mr. Sackenreuter said a consultant was paid approximately \$4,500 in June 2002 to assist staff in developing M&O estimates.

Responding to Mr. Lee, Mr. Sackenreuter said Qwest moved out of the building by August and Qwest continues to operate the building through the end of the year.

- ➡ Dr. Davidson moved to approve Resolution No. 6938, and Mayor Marshall seconded the motion.

Deputy Mayor Degginger noted his confusion regarding which systems are to be maintained versus those to be replaced. He recalled the budget included the replacement of many systems.

Mr. Sarkozy said the project budget adopted by Council has not been modified. However, the amount of equipment to be retained and reused is subject to ongoing review throughout the design and development phase. Mr. Degginger would like the budget to clearly reflect which systems will be replaced as the process unfolds.

Mayor Marshall would like to be able to compare ongoing M&O costs associated with retaining old systems versus the costs of purchasing new systems/components.

Deputy Mayor Degginger will not support the motion.

Councilmember Lee suggested that some services in the proposed M&O contract could be provided by City staff and thereby lower the monthly contract cost. Mr. Sackenreuter noted that this option is discussed in Council packet materials. Staff concluded the proposed contract with McKinstry is the most cost-effective approach for a short-term period of eight months.

Mr. Creighton expressed support for staff's recommendation. Mayor Marshall concurred and noted that City staff will provide approximately \$100,000 in services associated with the M&O contract services. Mr. Noble will support the motion as well.

- ➡ The motion to approve Resolution No. 6938 carried by a vote of 5-1, with Deputy Mayor Degginger dissenting.

Mayor Marshall thanked staff for preparing detailed responses to Council's questions.

- (b) Ordinance No. 5502 regarding development services under the Bellevue City Code; fees for applications requiring construction, land use, fire, survey, sign, transportation, utility, and clearing & grading review and inspection services;

repealing Ordinance Nos. 5116, 5185, 5186, 5262, and 5341. *(Discussed with Council on December 8, 2003.)*

Ms. Helland referred to Council packet materials regarding fees associated with development services staff time spent on administrative appeals. She recalled the alternatives were discussed with Council during the December 8 Regular Session.

Dr. Davidson moved to approve Alternative A, which allocates the total development services cost of appeals to the General Fund in all cases, regardless of who files the appeal or prevails in the appeal. There was no second to the motion.

Mr. Noble feels if the applicant files an appeal but fails to prevail in the appeal decision, the applicant should pay the associated fees.

- ☛ Mr. Noble moved to adopt Ordinance No. 5502, amended to reflect Alternative D which allocates the total development services cost of appeals to the General Fund when the applicant files the appeal and prevails in the appeal decision. Deputy Mayor Degginger seconded the motion.

Responding to Mr. Lee, Ms. Helland explained that under Alternative C, the costs associated with the appeal would be allocated to the General Fund when the applicant prevails in an appeal, regardless of who files the appeal.

- ☛ The motion to adopt Ordinance No. 5502, amended to reflect Alternative D which allocates the total development services cost of appeals to the General Fund when the applicant files the appeal and prevails in the appeal decision, carried by a vote of 5-1, with Dr. Davidson dissenting.

5. Executive Session

At 7:25 p.m., Mayor Marshall announced recess to Executive Session to discuss a personnel matter.

6. Adjournment

Upon completion of the Executive Session at 10:00 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

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